

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED FOR
RWA
NOV 24 2009
JOHN F. CORCORAN, CLERK
BY HMcDana, DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DAVID W. AMBERGER, Petitioner,)	Civil Action No. 7:09-cv-00382
v.)	<u>ORDER</u>
WARDEN, BUCKINGHAM CORRECTIONAL CENTER, Respondent.)	By: Hon. Jackson L. Kiser Senior United States District Judge

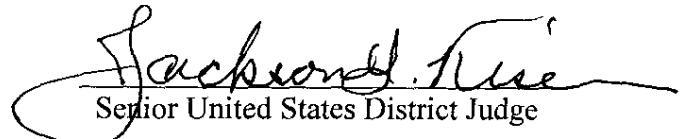
In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that the petitioner's motion to amend is **GRANTED**; respondent's motion to dismiss is **GRANTED**; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; a Certificate of Appealability is **DENIED**; and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 24th day of November, 2009.


Jackson L. Kiser
Senior United States District Judge